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REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Argentina, Brazil, Bulgaria, Egypt, New Zealand and Philippines: draft resolution

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions,

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Bearing in mind the provisions of its resolution 50/__ [draft resolution A/C.6/50/L.6/Rev.1],

Conscious of the ongoing discussion in the open-ended working groups of the General Assembly dealing with the various aspects of the revitalization, strengthening and reform of the work of the United Nations,

Welcoming the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase in the Membership of the Security Council and Other Matters Related to the Security Council, 1/

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 2/ thirty-ninth, 3/ fortieth, 4/ forty-first, 5/ forty-second, 6/ forty-third, 7/ forty-fourth, 8/ forty-fifth, 9/ forty-sixth, 10/ forty-seventh, 11/ forty-eighth, 12/ forty-ninth 13/ and fiftieth 14/ sessions, as well as the views and comments expressed on them by Member States,

Recalling the elements relevant to the work of the Special Committee contained in its resolution 47/120 B of 20 September 1993,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Recalling its resolution 49/58 of 9 December 1994,

1/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 47 (A/49/47).

2/ Ibid., Thirty-seventh Session, Supplement No. 1 (A/37/1).

3/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

4/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

5/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

6/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

7/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

8/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

9/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

10/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

11/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

12/ Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

13/ Ibid., Forty-ninth Session, Supplement No. 1 (A/49/1).

14/ Ibid., Fiftieth Session, Supplement No. 1 (A/50/1).

Having considered the report of the Special Committee on the work of its session held in 1995, 15/

Taking note of the recommendation of the Special Committee on the most appropriate legal action to be taken on the question of the deletion of the "enemy State" clauses from Articles 53, 77 and 107 of the Charter of the United Nations, 16/

Recognizing that, having regard to the substantial changes that have taken place in the world, the "enemy State" clauses in Articles 53, 77 and 107 of the Charter of the United Nations have become obsolete,

Noting that the States to which those clauses were directed are Members of the United Nations and represent a valuable asset in all the endeavours of the Organization,

Taking into account the complex process involved in amending the Charter,

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 15/

2. Decides that the Special Committee will hold its next session from 21 February to 5 March 1996;

3. Expresses its intention to initiate the procedure set out in Article 108 of the Charter of the United Nations to amend the Charter, with prospective effect, by the deletion of the "enemy State" clauses from Articles 53, 77 and 107 at its earliest appropriate future session;

4. Requests the Special Committee, at its session in 1996, in accordance with the provisions of paragraph 5 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context, to consider other proposals relating to the maintenance of international peace and security already submitted or which might be submitted to the Special Committee at its session in 1996, including the proposal on the strengthening of the role of the Organization and enhancing its effectiveness and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council in regard to the maintenance of international peace and security, and to consider recommending to the General Assembly the desired priorities for its further consideration;

(b) To continue to consider on a priority basis the question of the implementation of the provisions of the Charter related to assistance to third States affected by the application of sanctions under Chapter VII of the

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15/ Ibid., Supplement No. 33 (A/50/33).

16/ Ibid., para. 65.

Charter, taking into consideration the report of the Secretary-General, 17/ the proposals presented on this subject, the debate on this question which took place in the Sixth Committee at the fiftieth session of the General Assembly and, in particular, the implementation of the provisions of General Assembly resolution 50/__ [draft resolution A/C.6/50/L.13];

(c) To continue its work on the question of the peaceful settlement of disputes between States, and in this context to continue its consideration of proposals relating to the peaceful settlement of disputes between States, including the proposal on the establishment of a dispute settlement service offering or responding with its services early in disputes and those proposals relating to the enhancement of the role of the International Court of Justice;

(d) To continue its consideration of the question of the enhancement of cooperation between the United Nations and regional arrangements or agencies in the maintenance of international peace and security;

(e) To consider proposals concerning the Trusteeship Council;

(f) To consider the status of the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council; 18/

5. Decides that the Special Committee shall henceforth be open to all States Members of the United Nations and that it will continue to operate on the basis of the practice of consensus;

6. Decides also that the Special Committee shall be authorized to accept the participation of observers of States other than States Members of the United Nations which are members of specialized agencies or of the International Atomic Energy Agency in its meetings, and further decides to invite intergovernmental organizations to participate in the debate in the plenary meetings of the Committee on specific items where it considers that such participation would assist in the work;

7. Invites the Special Committee at its session in 1996 to identify new subjects for consideration in its future work with a view to contributing to the revitalization of the work of the United Nations, and to discuss how to offer its assistance to the working groups of the General Assembly in this field;

8. Requests the Special Committee to submit a report on its work to the General Assembly at the fifty-first session;

9. Decides to include in the provisional agenda of its fifty-first session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

17/ A/50/361.

18/ See A/C.6/50/SR.44.